



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,300	07/27/2001	Robert C. Knauerhase	10559-507001	9586

20985 7590 03/10/2006

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,300

Applicant(s)

KNAUERHASE, ROBERT C.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7, 9-13, 15-18, 20-24, 26, 28-29, 37-38 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 9-13, 15-18, 20-24, 26, 28-29, 37-38 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Amendment/Request for Reconsideration filed on January 5, 2006. Claims 8, 19, 27 and 41 have been cancelled. Claims 1, 13, 24, 37, 38 and 41 have been amended. Claims 1, 4-7, 9-13, 15-18, 20-24, 26, 28-29, 37-38 and 41 are presented for further examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 is not limited to tangible embodiment. Applicant does not define the medium or propagated signal. The medium or propagated signal is not limited to tangible embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7, 9-13, 15-18, 20-24, 26, 28-29, 37-38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al (hereinafter, "Shavit", U.S. Pub. No. 2002/0160757) in view Slaughter et al (hereinafter, "Slaughter", 6,643,650).

As per claims 1 and 13, Shavit discloses a machine-implemented method comprising:

- discovering information relating to an accessibility state of one or more communication channels associated with a message recipient, (paragraphs 0034, 0047-0048, 0054-0055 and 0062); and
- maintaining a data repository comprising the accessibility state information discovered by discovering user preferences relating to user preferences message routing paths (paragraph 0034);
- routing a message to the message recipient based on information in the data repository (paragraphs 0034 and 0036-0039).

However, Shavit does not explicitly disclose:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device; and
- routing a message addressed to the at least one bridging device to the message recipient via the at least one bridging device based on information in the data repository.

Slaughter discloses a mechanism and apparatus for using messages to look up documents stored in spaces in a distributed computing environment including:

Art Unit: 2157

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device (col. 75, lines 54-67, col. 76, lines 1-4 and lines 56-65);
and
- routing a message addressed to the at least one bridging device to the message recipient via the at least one bridging device based on information in the data repository (col. 76, lines 29-34 and lines 56-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shavit by including a bridging device and a device discovery protocol in order to discover devices on a network in order to send and receive messages through the bridging device in a timely and efficient manner.

As per claim **24**, Shavit discloses a message-routing system comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient, (paragraphs 0034, 0047-0048, 0054-0055 and 0062);
- a data repository comprising the accessibility state information discovered by discovering user preferences relating to user preferences message routing paths (paragraph 0034); and
- a message routing decision process configured to route a message to the message recipient based on information in the data repository (paragraphs 0034 and 0036-0039).

However, Shavit does not explicitly disclose:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device; and
- a message routing decision process configured to route a message addressed to the at least one bridging device to the message recipient via the bridging device based on information in the data repository.

Slaughter discloses a mechanism and apparatus for using messages to look up documents stored in spaces in a distributed computing environment including:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device (col. 75, lines 54-67, col. 76, lines 1-4 and lines 56-65); and
- a message routing decision process configured to route a message addressed to the at least one bridging device to the message recipient via the bridging device based on information in the data repository (col. 76, lines 29-34 and lines 56-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shavit by including a bridging device and a device discovery protocol in order to discover devices on a network in order to send and receive messages through the bridging device in a timely and efficient manner.

As per claim 41, Shavit discloses a machine-implemented method comprising:

Art Unit: 2157

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (paragraphs 0034, 0047-0048, 0054-0055 and 0062); and
- a data repository configured to store the accessibility state information discovered by said one or more discovery processes (paragraph 0034).

However, Shavit does not explicitly disclose:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device; and
- a message routing decision process configured to route a message addressed to the at least one bridging device to the message recipient via the bridging device based on information in the data repository.

Slaughter discloses a mechanism and apparatus for using messages to look up documents stored in spaces in a distributed computing environment including:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device (col. 75, lines 54-67, col. 76, lines 1-4 and lines 56-65);
and

- a message routing decision process configured to route a message addressed to the at least one bridging device to the message recipient via the bridging device based on information in the data repository (col. 76, lines 29-34 and lines 56-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shavit by including a bridging device and a device discovery protocol in order to discover devices on a network in order to send and receive messages through the bridging device in a timely and efficient manner.

As per claims 4, 15 and 26, Shavit discloses:

- wherein the maintained data repository further comprises information about the message recipient that facilitates context-appropriate message routing decisions to be made (paragraph 0043).

As per claims 5 and 16, Shavit discloses:

- wherein a context-appropriate message routing decision is based at least in part on a level of obtrusiveness of an associated communications channel (paragraph 0043).

As per claims 6, 7, 17 and 18, Shavit discloses wherein the discovered accessibility state information discovered by said discovering includes:

- information relating to whether the recipient is reachable via a communication channel (paragraphs 0042 and 0047-0051).

As per claims 10, 21 and 29, Shavit discloses wherein discovering information comprises:

- receiving information from a communications service provider relating to at least of the message recipient's communications status or activity (paragraphs 0058 and 0061).

As per claims 11 and 22, Shavit discloses wherein discovering information comprises:

Art Unit: 2157

- receiving information from the message recipient relating to the message recipient's communication status (paragraphs 0058 and 0061).

As per claims **12** and **23**, Shavit further discloses:

- providing the capability for a machine to receive from a message sender a device-independent identifier uniquely identifying the message recipient (paragraph 0036).

As per claim **37**, Shavit a machine-implemented method comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (paragraphs 0034, 0047-0048, 0054-0055 and 0062); and
- maintaining a data repository configured to store the discovered accessibility state information discovered by said discovering (paragraph 0034).

However, Shavit does not explicitly disclose:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device; and
- routing a message to the message recipient through the at least one bridging device to the recipient device based on information in the data repository.

Slaughter discloses a mechanism and apparatus for using messages to look up documents stored in spaces in a distributed computing environment including:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering

Art Unit: 2157

information comprises interrogating at least one bridging device regarding the availability of a recipient device (col. 75, lines 54-67, col. 76, lines 1-4 and lines 56-65); and

- a routing a message to the message recipient through the at least one bridging device to the recipient device based on information in the data repository (col. 76, lines 29-34 and lines 56-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shavit by including a bridging device and a device discovery protocol in order to discover devices on a network in order to send and receive messages through the bridging device in a timely and efficient manner.

As per claim 38, Shavit discloses a message-routing system comprising:

- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (paragraphs 0034, 0047-0048, 0054-0055 and 0062);
- a data repository comprising the accessibility state information discovered by discovering user preferences relating to user preferences message routing paths, wherein the user preferences include user specified communication channel delivery priorities for more than one user specified time slot (paragraphs 0034 and 0037); and

However, Shavit does not explicitly disclose:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering

information comprises interrogating at least one bridging device regarding the availability of a recipient device; and

- a message routing decision process configured to route a message addressed to the at least one bridging device to the message recipient via the at least one bridging device based on information in the data repository and the user preferences.

Slaughter discloses a mechanism and apparatus for using messages to look up documents stored in spaces in a distributed computing environment including:

- wherein at least one of the communication channels a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of a recipient device (col. 75, lines 54-67, col. 76, lines 1-4 and lines 56-65); and
- a message routing decision process configured to route a message addressed to the at least one bridging device to the message recipient via the at least one bridging device based on information in the data repository and the user preferences (col. 76, lines 29-34 and lines 56-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shavit by including a bridging device and a device discovery protocol in order to discover devices on a network in order to send and receive messages through the bridging device in a timely and efficient manner.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4-7, 9-13, 15-18, 20-24, 26, 28-29, 37-38 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.


The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
February 23, 2006


ARIO ETIENNE
PRIMARY EXAMINER